

Document: Readopted Rules

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TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-75

Under IC 4-22-2.5-3, the Bureau of Motor Vehicles intends to readopt rules in anticipation of IC 4-22-2.5, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002.

OVERVIEW: Rules to be readopted and amended are as follows:

- 140 IAC 1-1-7 Record of hearing
- 140 IAC 1-1-11 Final orders
- 140 IAC 1-2-2 Minimum term of insurance
- 140 IAC 1-2-3 Minimum term of reinstatement insurance
- 140 IAC 1-4.5-4 Point accumulation
- 140 IAC 1-4.5-6 Hearings; reinstatement of suspended license
- 140 IAC 1-4.5-10 Point value table
- 140 IAC 1-5-3 Financial responsibility requirement; intentional falsification of required information; hearing procedure
- 140 IAC 1-8-1 Minimum standards

Readopts and amends 140 IAC 1-1-7 to require the tape recording of administrative hearings and to make available such recordings and/or transcripts at the written request and at the requester's expense. Readopts and amends 140 IAC 1-1-11 to provide that a period of driver's license suspension will begin on that date which is indicated on the court order, hearing officer's finding of fact and determination, or final order of determination issued by the commissioner. Readopts and amends 140 IAC 1-2-2 to eliminate the requirement that the driver's license be surrendered to the commissioner prior to vehicle liability coverage cancellation. Readopts and amends 140 IAC 1-2-3 to eliminate the requirement that the driver's license be surrendered to the commissioner prior to vehicle liability coverage cancellation. Readopts and amends 140 IAC 1-4.5-4 to include an evaluation system that uses operator performance as the standard for screening problem drivers. Under this system, any driver who accumulates 12 active points will be placed on probation and any driver who compiles 18 points or three (3) traffic convictions in a 12-month period will be cited for an administrative hearing. Readopts and amends 140 IAC 1-4.5-6 to include hearing officer determinations that require a driver to take a drive test or submit to a physical examination. Readopts and amends 140 IAC 1-4.5-10 to update the Point Value Table, as recommended by the Point Study Committee. Readopts and amends 140 IAC 1-5-3 to provide that the administrative hearing proceedings conducted under this section are recorded, and an appeal may be obtained in accordance with IC 9-30-4-10 and IC 9-30-4-11. Readopts and amends 140 IAC 1-8-1 to include that tampering with or misuse of an interlock device may result in a criminal penalty pursuant to IC 9-30-5-8.

Questions or comments on the readoption may be directed by mail to the Indiana Bureau of Motor Vehicles, 100 North Senate Avenue, Room N440, Indianapolis, Indiana 46204 or by electronic mail to tbrown@bmv.state.in.us. Statutory authority: IC 9-14-2-2; IC 9-24-10-2; IC 9-25-3-5; IC 9-30-4-14; IC 9-30-8-3.